

*Amendment and Response to Final Office Action
Serial No. 10/663,367
Page 6 of 9*

Remarks

The present invention is directed to novel compositions and methods of using the same. In particular, the present invention is directed to compositions which are highly effective at removing adhesive materials, such as those used to secure floor coverings, and methods of using the same. Claim 21 is currently amended and Claims 21-25 and 45-58 are pending.

Rejections under 35 U.S.C. §102

In the November 19, 2004 Final Office Action, the Examiner rejected Claims 21-25 and 45-58 under 35 U.S.C. §102(b) as being anticipated by United States Patent No. 4,370,174 issued to Braithwaite Jr. ("Braithwaite"). Applicant respectfully traverses the rejection.

Braithwaite discloses a method for removing adhesive residues by treating the adhesive residue with an emulsion cleaner. The emulsion cleaner comprises an organic solvent, an inorganic solid absorbent powder, a water-in-oil surfactant, and a oil-in-water surfactant. Braithwaite utilizes aliphatic, alicyclic and aromatic solvents, and especially desires *aromatic solvents*. See Col. 1, lines 49-57; Col. 2, lines 15-21. Braithwaite recites aromatic solvents, especially with a high flash point above 190 degrees F, are preferred because of their high solvency for asphaltic, polyvinyl acetate, and rubber base adhesives. See Col. 3, lines 47-53.

Amendment and Response to Final Office Action
Serial No. 10/663,367
Page 7 of 9

In contrast, it is an objective of the instant invention to provide a composition for removing adhesives and floor covering which do not include harmful materials such as, high volatile organic compounds, aromatics, ketones, acetates or chlorinated solvents (See page 4, lines 2-5). Applicant explicitly states that hazardous compounds, especially *aromatic compounds*, are not desired for the claimed method. (p. 4, lines 2-5). As amended herein, Claim 21 excludes high volatile organic compounds, aromatics, ketones, acetates or chlorinated solvents from the claimed composition. Applicant respectfully submits, Braithwaite fails to teach, suggest or disclose the claimed invention.

Accordingly, Applicant respectfully submits they have overcome the Examiner's rejection under 35 U.S.C. §102(b) and requests its withdrawal.

Rejections under 35 U.S.C. §103

Claims 21-25 and 45-58 have been rejected under 35 U.S.C. §103(a) as being obvious over United States Patent No. 4,370,174 issued to Braithwaite Jr. ("Braithwaite"). Applicant respectfully traverses the rejection.

Braithwaite is directed to a method for removing an adhesive residue comprising an emulsion cleaner, wherein the emulsion cleaner comprises an organic solvent, an inorganic solid absorbent powder, a water-in-oil surfactant, and a oil-in-water surfactant.

Braithwaite uses aliphatic, alicyclic and aromatic solvents, and especially desires *aromatic solvents*. In contrast, Applicant does not wish to use the hazardous solvents recited by Braithwaite (see page 2 lines 28-34). As such, Braithwaite uses compounds that teach away from the compounds that Applicant wishes to use.

Amendment and Response to Final Office Action
Serial No. 10/663,367
Page 8 of 9

The purposeful choice to use the *aromatic* cleaning compositions in Braithwaite is for their high solvency of adhesive compounds. *See* Col. 3, lines 47-49. Contrary to Braithwaite's high volatile composition, Applicant's invention is directed to a method of removing adhesives which do not include hazardous solvents such as aromatics, and thus, Applicant's methods may be used in a *safe and easy manner*. *See* page 4, lines 1-8. As already stated, Applicant's invention specifically *teaches against* the use of aromatic materials. *See* page 4, lines 2-5.

As amended herein, Claim 21 excludes high volatile organic compounds, aromatics, ketones, acetates and chlorinated solvents from the claimed composition. Applicant respectfully submit the instantly claimed invention is not taught, suggested or disclosed by Braithwaite.

Moreover, one of ordinary skill would not be motivated by the disclosure of Braithwaite to arrive at the claimed method absent the teachings of the present specification. Braithwaite discusses efforts to reduce the hazards associated with solvents, *See* Col. 1, lines 32-39. Braithwaite directs the reader to introduce a solid adsorbent powder with the solvents to address this issue. However, even with the addition of a solid absorbent powder, Braithwaite concludes "difficulties are still experienced with flammability and toxicity of volatile solvents". *See* Col. 1, lines 32-39. Braithwaite fails to offer any further discussion or suggestion of how to reduce the hazards associated with solvents. It is apparent that based on the teachings of Braithwaite, one of ordinary skill in the art at the time of the invention would not be motivated to arrive at the instantly claimed invention.


Amendment and Response to Final Office Action
Serial No. 10/663,367
Page 9 of 9

CONCLUSION

The foregoing is submitted as a full and complete Response to the Final Office Action mailed on November 19, 2004. For at least the reasons given above, Applicant respectfully submits that the pending claims are definite, novel and non-obvious. Accordingly, Applicant submits that the claims in the present application are in condition for allowance, and such action is courteously solicited.

If the Examiner believes there are other issues that can be resolved by telephone interview, or that there are any informalities remaining in the application which may be corrected by an Examiner's Amendment, a telephone call to the undersigned attorney at (404) 685-6765 is respectfully solicited.

Respectfully submitted,


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